

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DALE A. GUILFOIL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 06-493-GMS
	)	
DAVID PIERCE, et al.,	)	JURY TRIAL REQUESTED
	)	
Defendants.	)	

**DEFENDANTS' RESPONSE TO PLAINTIFF'S  
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

David Pierce, James Scarborough and Karl Hazzard ("Defendants") hereby respond to Plaintiff's Request for Production of Documents ("Request for Production"):

**GENERAL OBJECTIONS**

1. Defendants object to the Request for Production to the extent that it seeks information or documents protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable privilege.
2. Defendants object to the Request for Production to the extent that it purports to require supplementation of these responses beyond that required by Federal Rule of Civil Procedure 26(e).
3. Defendants object to the Request for Production to the extent that it purports to place duties upon them not set forth in, or contemplated by, the Federal Rules of Civil Procedure.
4. Defendants object to the Request for Production to the extent that it purports to seek information or documents not in their possession, custody or control.

5. Defendants object to the Request for Production to the extent that it seeks the production of documents equally available to Plaintiff or Plaintiff's counsel. Such documents will be identified by Defendants, but will not be produced.

6. Defendants object to the Request for Production to the extent that it purports to require production of information or documents which are impractical or unduly burdensome to reproduce.

7. Defendants object to the Request for Production to the extent that it seeks the production of documents generated by or received from counsel for Defendants in connection with this litigation on or after the date of the acceptance of representation on the grounds that such documents are protected by attorney-client and work product privileges.

### **RESPONSES**

Subject to, and without waiver of the foregoing General Objections and those set forth in Defendants' Responses, Defendants respond, after a reasonable search, and subject to supplementation, as follows:

1. Any and all medical records of plaintiff from the time of his incarceration in the Delaware Correctional Center through and including to the date of his transfer to the Central Violation of Probation Center in August of 2006.

**RESPONSE:** See attached medical files bates-stamped D00001-D00282, Exhibit A, filed under seal.

2. List of names of the inmates transferred into and out of the housing area known as W-Building, Tier-B, Cell 4 along with bunk assignments, for the months of February, 2006 through August, 2006.

**RESPONSE:** Objection. This Interrogatory has no relevance to Plaintiff's claims, requests information beyond the scope of rule 26, and is not designed to lead to the discovery of admissible evidence. Further objection that the requested documents are privileged and subject to protection from disclosure pursuant to 11 *Del. C.* §4322.

3. Plaintiff requests to enter the unit known as W-Building at the Delaware Correctional Center to measure and photograph the bunk and cell areas of B-Tier.

**RESPONSE:** From the bottom bunk to the floor is approximately 12 ¼ inches. The top bunk to the floor is approximately 52 ¼ inches. Objection that any further information is not relevant to Plaintiff's claims. Further objection that Plaintiff's request to enter and photograph areas of the prison poses a security risk.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly  
Eileen Kelly, I.D. #2884  
Deputy Attorney General  
Carvel State Office Building  
820 North French Street, 6<sup>th</sup> Floor  
Wilmington, Delaware 19801  
(302) 577-8400  
eileen.kelly@state.de.us  
Attorney for Defendants

Date: August 30, 2007

***CERTIFICATE OF SERVICE***

I hereby certify that on August 30, 2007, I electronically filed *Defendants Response to Plaintiff's Second Request for Production of Documents* with the Clerk of Court using CM/ECF. I hereby certify that on August 30, 2007, I have mailed by United States Postal Service, the document to the following non-registered party:

Dale A. Guilfoil, Inmate  
SBI#166308  
Sussex Correctional Institution  
P.O. Box 500  
Georgetown, DE 19947

/s/ Eileen Kelly  
Eileen Kelly, ID#2884  
Deputy Attorney General  
Department of Justice  
820 N. French St., 6<sup>th</sup> Floor  
Wilmington, DE 19801  
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